

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA ex rel.
THOMAS J. MILLER,
ATTORNEY GENERAL OF IOWA
99AG25112,

Applicant,

v.

THE MANDATORY POSTER AGENCY,
INC., a Michigan corporation, dba Iowa
Labor Law Poster Service, Iowa Food
Service Compliance Center, and Iowa
Healthcare Compliance Center;

THOMAS FATA,
in his individual capacity and his corporate
capacity as manager/owner/officer of the
corporate respondent;

STEVEN FATA,
in his individual capacity and his corporate
capacity as manager/owner/officer of the
corporate respondent; and

JOSEPH FATA,
in his individual capacity and his corporate
capacity as manager/owner/officer of the
corporate respondent;

Respondents.

Equity No. CE

69769

APPLICATION TO ENFORCE
ATTORNEY GENERAL'S
CIVIL INVESTIGATIVE DEMAND

FILED
POLK COUNTY, IA
11 OCT 26 AM 8:07
CLERK DISTRICT COURT

The State of Iowa ex rel. Attorney General Thomas J. Miller, through Assistant Attorney
General Steve St. Clair, states as follows:

INTRODUCTION

The Mandatory Poster Agency, Inc. ("MPA") is a Michigan company that sells posters to
Iowa workplaces – businesses, schools, churches, and charities, among others – largely through

mail and telephone solicitations. Based primarily on a review of Respondents' marketing materials, contacts from Iowans (including Iowa businesses), and law enforcement efforts directed at Respondents by many other attorney general's offices,¹ the Iowa Attorney General is concerned that MPA's solicitations have misled Iowa organizations by creating the false impression that MPA is a government agency, is affiliated with government, and/or has authority to enforce compliance; and that these solicitations have deceptively indicated that the posters MPA sells are mandatory and that fines or penalties may be imposed for failing to display MPA's posters. As one example of a marketing technique that raises deception concerns, MPA's solicitations display a return address commonly associated with governmental activities, namely Pennsylvania Avenue in Washington, D.C. However, that address is merely a mail drop that MPA pays to receive its poster orders and other mail, all of which is then forwarded unopened to MPA's offices in Michigan. The company evidently incurs the expense of maintaining this Pennsylvania Avenue mail drop for the sole purpose of exploiting its capacity to falsely suggest a governmental connection. As another example, some MPA solicitations have claimed, apparently with no basis in fact, that failure to meet posting requirements can result in a year's imprisonment — evidently a complete fabrication intended to intimidate Iowans into buying MPA's posters.

It is true that certain workplaces must by law post certain information and notices. MPA may exploit this fact by sowing confusion about the nature and source of the necessary postings.

¹ Respondents have acknowledged having litigated and/or reached settlements with authorities in Arkansas, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan (twice), Minnesota, Missouri, North Carolina, North Dakota, Pennsylvania, Tennessee, Utah, Vermont, Washington, and West Virginia (twice), as well as with the United States Postal Inspection Service.

In fact, the state agency Iowa Workforce Development (IWD) makes available all required postings *free of charge* to any Iowa workplace requesting them at each of the various IWD offices across the state.

MPA solicitations may include disclosures which, if noticed and read, would tend to counter other deceptive features of the solicitations. However, the presentation of such disclosures may render them ineffective in preventing the misimpressions that more prominent features of the solicitations are designed to convey. In any event, the Attorney General contends that it would be unfair and deceptive to use conflicting messages and representations in an effort to confuse, or to take advantage of busy managers and administrators who may have limited time to devote to what is presented as a low cost solution to a legal compliance problem.

A number of Iowans have reported that MPA's solicitations are deceptive. In addition, as noted above, since 2001 MPA has been the subject of law enforcement proceedings by numerous state authorities and by the United States Postal Service. In response to these many law enforcement efforts, MPA has adjusted the design of its solicitations from time to time in ways that have sometimes made the core deceptions less flagrant, but the company has evidently never abandoned the basic misleading themes and techniques that have been the repeated focus of law enforcement efforts.

In June of 2011, the Attorney General issued a Civil Investigative Demand (CID), pursuant to investigative powers authorized by the Iowa Consumer Fraud Act, to gather information regarding Respondents' practices and possible victims of deception. As explained below, Respondents complied with some portions of the CID, but failed to comply with other parts. In some instances, Respondents refused to provide the information sought unless the

Attorney General agreed to constraints – unreasonable constraints, in the Attorney General’s view – governing how the investigation would be conducted. The Attorney General asks the Court to enforce the pertinent provisions of the Consumer Fraud Act by requiring Respondents to provide the information that Iowa law empowers the Attorney General to obtain in connection with efforts to protect Iowans from consumer fraud.

PARTIES AND VENUE

1. Thomas J. Miller is the Attorney General of the State of Iowa, and is expressly authorized by Iowa Code § 714.16 (6) & (7) (2011) of the Consumer Fraud Act to bring this action on behalf of the State of Iowa.

2. The Mandatory Poster Agency, Inc. is a for-profit corporation, incorporated in Michigan and headquartered in Lansing, Michigan.

3. Thomas Fata is President and one-third owner of MPA, and has expressly admitted that he is actively involved in the day-to-day management and control of the business.

4. Steven Fata is Vice President and one-third owner of MPA, and has expressly admitted that he is actively involved in the day-to-day management and control of the business.

5. Joseph Fata is Secretary/Treasurer and one-third owner of MPA, and has expressly admitted that he is actively involved in the day-to-day management and control of the business.

6. Venue is proper in Polk County pursuant to Iowa Code § 714.16 (6) & (10).

JURISDICTION

7. The Iowa Consumer Fraud Act, Iowa Code § 714.16 (2)(a) (“the Consumer Fraud Act”) provides in pertinent part:

The act, use or employment by a person of an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression or omission of a material fact with intent that others rely upon the concealment, suppression, or omission, in connection with the lease, sale, or advertisement of any merchandise or the solicitation of contributions for charitable purposes, whether or not a person has in fact been misled, deceived, or damaged, is an unlawful practice.

8. Iowa Code § 714.16 (1) provides the following definitions:

(f) "Deception" means an act or practice which has the tendency or capacity to mislead a substantial number of consumers as to a material fact or facts.

(n) "Unfair practice" means an act or practice which causes substantial, unavoidable injury to consumers that is not outweighed by any consumer or competitive benefits which the practice produces.

9. Iowa Code § 714.16 (3) provides as follows:

When it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful by this section or when the attorney general believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in or is about to engage in, any such practice, the attorney general may: (a) Require such person to file on such forms as the attorney general may prescribe a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person, and such other data and information as the attorney general may deem necessary; ...

10. Iowa Code § 714.16 (6) provides:

If a person fails or refuses to file a statement or report, or obey any subpoena issued by the attorney general, the attorney general may, after notice, apply to the Polk county district court ... and, after hearing, request an order:

a) Granting injunctive relief, restraining the sale or advertisement of any merchandise by such persons.

...

c) Granting such other relief as may be required until the person files the statement or report, or obeys the subpoena.

11. Iowa Code § 714.16 (7) provides, in pertinent part:

Except in an action for the concealment, suppression, or omission of a material fact with intent that others rely upon it, it is not necessary in an action for reimbursement or an injunction, to allege or to prove reliance, damages, intent to deceive, or that the person who engaged in an unlawful act had knowledge of the falsity of the claim or ignorance of the truth.

12. In describing remedies under the Consumer Fraud Act, Iowa Code § 714.16 (7) provides in pertinent part as follows:

If it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in a practice declared to be unlawful by this section, the attorney general may seek and obtain in an action in a district court a temporary restraining order, preliminary injunction, or permanent injunction prohibiting the person from continuing the practice or engaging in the practice or doing an act in furtherance of the practice. The court may make orders or judgments as necessary to prevent the use or employment by a person of any prohibited practices, or which are necessary to restore to any person in interest any moneys ... which have been acquired by means of a practice declared to be unlawful by this section ...

In addition to the remedies otherwise provided for in this subsection, the attorney general may request and the court may impose a civil penalty not to exceed forty thousand dollars per violation against a person found by the court to have engaged in a method, act, or practice declared unlawful under this section; provided, however, a course of conduct shall not be considered to be separate and different violations merely because the conduct is repeated to more than one person. In addition, on the motion of the attorney general or its own motion, the court may impose a civil penalty of not more than five thousand dollars for each day of intentional violation of a ... permanent injunction issued under authority of this section.

FACTUAL BACKGROUND

Iowa Labor Law Poster Service

13. Using the dba "Iowa Labor Law Poster Service," Respondents have mailed to Iowa workplaces solicitations that bear a Pennsylvania Avenue, Washington, D.C. address alongside an official-looking seal featuring a bald eagle. See, e.g., Attachments I and II. Initial

solicitations like Attachment II² indicate that to avoid severe criminal and civil penalties an employer must obtain the posters that MPA is selling.

14. Respondents have admitted that the Pennsylvania Avenue address in Washington, D.C. was “chosen for marketing purposes,” and that all mail received there is simply forwarded to MPA in Lansing, Michigan.³ The Washington, D.C. address appears to have no function other than to mislead consumers.

15. Some version of the following disclaimer language appears in at least some such solicitations: “The Iowa Labor Law Poster Service is a non-governmental organization providing mandatory workplace posters and does not have a contract with any government agency. Certain posters may also be available free from the issuing government agencies.” However, such disclaimers are presented in a manner that may render them insufficient to counteract other potentially misleading facets of the solicitations, and in any event the disclaimers characterize MPA’s posters as “mandatory,” which may itself be misleading.

Iowa Food Service Compliance Center

16. Adopting the quasi-governmental dba “Iowa Food Service Compliance Center,” and using the same Washington, D.C. address, Respondents have targeted Iowa restaurants with an official-looking “Advisory” that may mislead the recipients about hand-washing signage requirements. The mailing, a copy of which is attached as Attachment III, claims – evidently

² Attachment I is a renewal solicitation, and Attachment II is an initial solicitation. This reverse order was adopted because the renewal solicitation was attached to the Civil Investigative Demand as Attachment I (the lone attachment), and that designation is retained here.

³ See Respondents’ June 30, 2011 and July 27, 2011 responses to the CID. The Attorney General expects to submit the responses to the CID at the hearing on the Application To Enforce.

without factual basis – that failure to meet the supposed posting requirements is a crime punishable by a \$2500 fine and a year imprisonment.

17. Situated within a block of text that may minimize its impact, a disclaimer appears in the “Advisory”: “The IFSCC is a non-governmental organization providing mandatory Approved Hand Washing Posters and does not have a contract with any governmental agency.” The disclaimer’s characterization of the posters as “mandatory” and “Approved” may itself be misleading, and the disclaimer may be further distorted by the sentence that immediately follows: “*Therefore to achieve compliance with State and Federal hand washing posting requirements, please respond to the order form below*”⁴

18. Respondents have targeted Iowa food service workplaces with other versions of hand-washing advisories, using comparable messages and devices that raise similar concerns regarding deception and unfairness. (*See, e.g., Attachment IV.*)

Iowa Healthcare Compliance Center

19. Respondents have also targeted Iowa doctors, dentists, and other healthcare providers with hand-washing poster “Advisories” that may be unfair and deceptive. *See, e.g., Attachment V.* These mailings employ various of the themes and techniques described above to generate sales.

Potentially Misleading Telemarketing

20. Respondents have also directed solicitations to Iowans over the telephone. The “prospecting script” attached as Attachment VI is an example. This script has various features

⁴ Emphasis has been added in this and other quotes in which selected language is emphasized, unless otherwise indicated.

that may mislead, including an apparent effort to make a given workplace administrator believe that the transaction is part of an ongoing compliance-support effort. The script indicates that “the company that provides federal and state postings” is reaching out to each business whose “address we have on file,” in order to “provide all the information you will need to keep your business in compliance with all the state, federal and OSHA laws.” The script appears to read as if a government representative is re-contacting the business to confirm a repeat order, obscuring the reality that the caller is a telemarketer for an unfamiliar business proposing to sell a product to a new customer.

Conveying Urgency

21. Some of Respondents’ solicitations may pressure the consumer to act quickly through such directives as the following: “Return this notice with your payment by May 1st, to Save 17% and receive a \$10.00 discount off the regular price of the newly revised 2011 State and Federal Law posters.” (See, e.g., Attachment I.)

22. However, the claimed price break appears to be illusory; Respondents have admitted that purchasers who respond after the supposed deadline are charged the same price as those who think they are avoiding a higher price by acting quickly.

Failure to Respond As Required to the Civil Investigative Demand

23. On June 7, 2011, the Attorney General issued a Civil Investigative Demand (“CID”) to Respondents pursuant to Iowa Code § 714.16 (3) & (4). A copy of the CID is attached hereto as Attachment VII. Respondents responded to some portions of the CID, but have failed or refused to respond to other portions. Two of the most important instances of refusal to provide information related to a list of former employees and contractors (CID ¶ 3) and Iowa customers

(CID ¶ 15). The pertinent exchanges between the Attorney General and counsel for Respondents regarding those CID paragraphs appear below:

Former Employees

CID ¶ 3: “Identify”⁵ each individual who was an employee or independent contractor of the Agency⁶ at any time on or after January 1, 2010, including for each individual so “identified” the person’s date of birth; beginning and ending dates of employment (or of independent contracting status); job title; annual salary or rate of compensation; and a description of his/her job duties.

*June 30, 2011 Response of Respondents’ Counsel*⁷: “The principal supervisors/managers have been identified Mandatory Poster employs from 20 to 160 employees with a combination of full and part time employees for sales, fulfillment and administration.”

July 13, 2011 Letter from Attorney General to Respondents’ Counsel: “The specific information requested was not provided, although no objection or explanation was put forward. To the extent that burdensomeness may have been an unstated objection, we will accept for present purposes the requested information for a smaller pool of individuals, namely, those who were employees or independent contractors at any time after July 1, 2010 and who are no longer associated with LLPS [Labor Law Poster Service].”

July 27, 2011 Response of Respondents’ Counsel: “MPA has disclosed the pertinent information regarding all management employees. MPA has concern regarding disclosures of any information regarding former employees due to privacy issues. This information may be disclosed if an acceptable agreement can be reached to the following:

- a. what contact will be made with former employees;
- b. who will be making the contact;
- c. what will be the areas of inquiry;
- d. whether MPA be able [*sic*] to participate in or monitor the contact; and

⁵ “Identify” was defined in the CID as requiring an individual’s name, and current (or last known) business and residential addresses and phone numbers.

⁶ “The Agency” refers to Respondent Mandatory Poster Agency, Inc.

⁷ “Respondents’ Counsel” refers in all instances to the law firm of Knaggs, Harter, Brake & Schneider, P.C., of Lansing, Michigan.

- e. whether the contact will be recorded.”

July 29, 2011 Letter from Attorney General to Respondents' Counsel: “Despite our efforts to accommodate your clients by limiting the scope of this request, your clients have refused to provide the twice-requested information regarding former employees ‘due to privacy issues.’ Respondents state that the information sought ‘may be disclosed if an acceptable agreement can be reached’ regarding various aspects of any contacts we might choose to make. As I’m sure you can appreciate, we cannot let the entities under investigation for consumer fraud dictate, or insist on the right to control or limit, the manner in which we conduct an investigation. I can, however, assure you that any such contacts would be undertaken with due regard to any applicable ethical constraints.”

Customer Information

CID ¶ 15: Provide, in Excel unless otherwise expressly agreed, a list of all instances in which a purchase of one or more posters was made by a business and/or individual with an Iowa address, including for each separate purchase:

- a) the name of the business and (if also available) the individual associated with such business who was involved in making the purchase;
- b) the last known address and phone number of the purchaser;
- c) the date of the sale, and what (specifically) was purchased;
- d) the total price paid;
- e) the amount of any refund made; and
- f) whether the sale was solicited by mail, by telephone, via the Internet, or through some other mode (specify the mode).

June 30, 2011 Response of Respondents' Counsel: “Respondent objects to this portion of the Request, in that its customer list is a confidential trade secret. The disclosure of the customer list could give competitors of Respondent an unfair competitive advantage. Furthermore, this request is burdensome in that contact with Respondent’s customers could cause irreparable harm to the goodwill and reputation of the business.”⁸

July 13, 2011 Letter from Attorney General to Respondents' Counsel: “Respondents object that its customer list is a confidential trade secret and that the request is ‘burdensome’ because contact by the Attorney General with Respondents’ customers could cause irreparable harm to the goodwill and

⁸ The June 30, 2011 letter purported to respond to subparagraphs (d) and (e) of CID Paragraph 15, but in fact provided gross totals rather than the transaction-specific numbers that had been sought.

reputation of the business. As to the trade secret objection, Iowa law provides that a respondent may assert confidential status in connection with information submitted (*see* 61 IAC 2.5 et seq.). These rules provide a mechanism for a respondent to seek judicial protection against the release of purportedly confidential information if and when the occasion for such release arises. Please note that customer lists are routinely sought and obtained in connection with consumer fraud enforcement efforts. *See, e.g., State of Iowa ex rel. Miller v. National Dietary Research*, 454 N.W.2d 820, 824-25 (Iowa 1990). This case also underscores the clear relevance of the experiences of customers, which further undercuts Respondents' objection. Please note, in addition, that any efforts that this office might undertake to contact any of Respondents' Iowa customers would be conducted with due regard for Respondents' legitimate interest in its good will and reputation."

July 27, 2011 Supplemental Response by Respondents' Counsel: "MPA has concern over the disclosure of its customer list because its customer list is a confidential trade secret and because of the substantial likelihood of damage to MPA's good will and business reputation if its customers are contacted. MPA may disclose its customer list if an agreement can be reached as to matters including the following:

- a. what contact will be made with MPA's customers;
- b. who will be making the contact;
- c. whether MPA will be able to participate in or monitor the contact;
- d. the substance of communications with MPA's customers; and
- e. whether the contacts will be recorded."

July 29, 2011 Letter from Attorney General to Respondents' Counsel:

"Respondents inexplicably repeat their trade secret objections, despite the fact that our letter of July 13, 2011 explained the mechanisms available under Iowa law to protect the confidential status of trade secrets, and cited legal authority in support of our ability to obtain such information. Respondents again insist on limiting and controlling the course of our investigation in impermissible ways. Respondents indicate that, IF they are allowed (in effect) to negotiate constraints on any contacts we might make, then they 'may' provide the information sought by this paragraph. Although I do not think we are required to provide such assurances, I can in fact assure you that any contacts we would make would be undertaken with due regard for Respondents' legitimate interests. When we contact a business's customers, we are careful to keep the volume of contacts reasonable in light of the nature of the investigation, and to strive to limit or eliminate any negative inferences that might be drawn from the fact of our information gathering effort."

24. In addition, Respondents have failed to provide a proper response to CID ¶ 7, which sought information regarding each address *in Iowa* at which Respondents had ever received mail. The response provided information regarding Respondents' use of a mail drop in Washington, D.C., but failed to provide any information for addresses *in Iowa*.

25. Pursuant to Iowa Code § 714.16 (6), Respondents should be restrained from engaging in any sale or advertisement of posters or other merchandise in Iowa until they have fully and properly responded to the outstanding CID as originally issued.

26. Neither all nor any part of the application for injunctive relief herein has been previously presented to and refused by any court or justice. Iowa R.Civ.P. 1.1504.

27. In an action by the state, no security shall be required of the state. Iowa R.Civ.P. 1.207.

PRAYER

The Attorney General prays the Court grant the following relief:

A. Pursuant to Iowa Code § 714.16 (6), order Respondents to provide a full and proper response to paragraphs 3, 7, and 15 of the Civil Investigative Demand, and enjoin Respondents from engaging in any and all sales or advertisement of any merchandise in Iowa until they have demonstrated compliance with such order.

B. Pursuant to Iowa Code § 714.16 (11), enter judgment against Respondents, jointly and severally, for attorney fees, state's costs and court costs.

C. Retain jurisdiction as necessary to ensure full compliance with the pertinent provisions of the Consumer Fraud Act and with the Court's orders.

D. Grant such additional relief as the Court deems just and equitable.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa

A handwritten signature in black ink, appearing to read 'Steve St. Clair', is written over a horizontal line.

STEVE ST. CLAIR AT0007441
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1305 E. Walnut
Des Moines, Iowa 50319
Telephone: 515-281-3731/Fax: 281-6771
Steve.StClair@iowa.gov

RENEWAL NOTICE



IOWA LABOR LAW POSTER SERVICE
2020 PENNSYLVANIA AVENUE, N.W. #867
WASHINGTON, D.C. 20006-1811

TO: [REDACTED]

Notice Date	2011-04E
Key Code	A12 [REDACTED]

ATTN: PERSONNEL MANAGER
[REDACTED]
[REDACTED], IA [REDACTED]
[REDACTED]

New State and Federal Posters for 2011!

UPDATE ALERT! Please be advised that Labor Law posting notices are frequently being amended, potentially making the posters your company purchased from us on **Apr 15, 2010** out of date with current Labor Law posting requirements. Return this notice with your payment by **May 1st**, to **Save 17%** and receive a **\$10.00** discount off the regular price of the newly revised **2011** State and Federal Labor Law posters.

Qty	Description	Total
1	Complete Set(s) of 2011 State & Federal Posters	\$ 59.50
	17% Discount by May 1 st	\$ 10.00
	Shipping	\$ 7.75
	TOTAL BY May 1st	\$ 57.25
	TOTAL AFTER May 1st	\$ 67.25

The Iowa Labor Law Poster Service is a non-governmental organization providing mandatory workplace posters and does not have a contract with any government agency. Certain posters may also be available free from the issuing governmental agencies.

IA 000202

BL11

SHIP TO (IF DIFFERENT THAN ABOVE):

Notice Date	2011-04E
Key Code	A12 [REDACTED]
TOTAL BY May 1 st	\$ 57.25
TOTAL AFTER May 1 st	\$ 67.25
Amount Enclosed	

01-00-00

☐ CREDIT CARD Circle one: Visa Mastercard AmEx Discover
☐ CHECK

Credit card # [REDACTED] Exp. date ____ / ____

Signature _____

Fax credit card orders to 888-442-4144

PLEASE INCLUDE KEY CODE ON YOUR CHECK.

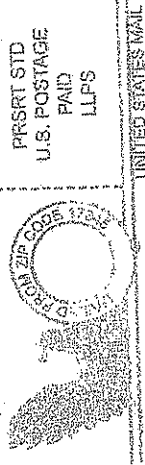
Mail payment to:
IOWA LABOR LAW POSTER SERVICE
2020 PENNSYLVANIA AVENUE, N.W. #867
WASHINGTON, D.C. 20006-1811

Call 202-640-5109 for quickest renewal



ATTACHMENT I

Iowa Labor Law Poster Service
2020 Pennsylvania Avenue, N.W. #867
Washington, D.C. 20006-1811



RENEWAL NOTICE ENCLOSED!



THE IOWA LABOR LAW POSTER SERVICE
2020 PENNSYLVANIA AVE. N.W. #867
WASHINGTON, D.C. 20006-1846

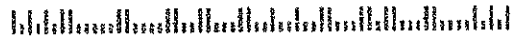
Important Information Enclosed

PRST STD
U.S. POSTAGE PAID
LLPS

URGENT!

IMMEDIATE RESPONSE REQUESTED

Attn: Personnel Manager
Church of [REDACTED]
Des Moines, IA [REDACTED]



ATTACHMENT II



THE IOWA LABOR LAW POSTER SERVICE
2020 PENNSYLVANIA AVE. N.W. #867
WASHINGTON, D.C. 20006-1846

Notice Date: 10-05

Company ID: 6122

For compliance assistance
you may call us at: 1-877-321-4144

FAX: 1-888-442-4144

Attn: Personnel Manager

Church of

Des Moines, IA

ATTENTION ALL EMPLOYERS!
New Federal and State Posters for
2006! Please see requirements
below:

Dear Employer,

State and Federal Law requires Iowa employers to post the following notices at most work sites. Investigations may be conducted by State inspectors. An employer found to be in violation of State or Federal Laws by willfully failing to post up-to-date OSHA posters may be subject to criminal penalties as well as civil liability actions including assessments of up to \$7,000. The Iowa Labor Law Poster Service is a non-governmental organization providing mandatory workplace posters and does not have a contract with any governmental agency. Posters may also be available free from the issuing governmental agencies. Compliance with State and Federal posting requirements may be achieved by responding to the order form below. **PLEASE RESPOND TODAY TO THE ENCLOSED.**

STATE POSTING REQUIREMENTS

- ☐ **Safety and Health Protection Law**
(Title 29, Code of Federal Regulations 1903.283)
"Employers will keep their employees informed of their obligations and protections under the safety and health protection law including standards set forth in the law."
- ☐ **Equal Employment Opportunity Law**
(Title VII, Civil Rights Act of 1964)
"Commission approved notices regarding equal employment opportunity shall be posted in conspicuous locations."
- ☐ **Minimum Wage**
(Iowa Code 2003, Section 91D.1)
"Issues related to wages shall be posted and made available to all employees. Wages and minimum wage information shall be posted where employees normally find posted materials."
- ☐ **Unemployment Insurance Law**
(Iowa Workforce Development)
"Posters identifying unemployment insurance benefits and department regulations shall be posted by employers in conspicuous locations in each place of business."

FEDERAL POSTING REQUIREMENTS

- ☐ **Uniform Services Employment and Reemployment Rights Act (NEW)**
"Federal Law requires all employers to notify employees of their rights under USERRA and employers must meet this requirement by displaying this notice where they customarily place notices for employees."
- ☐ **Employee Polygraph Protection Act (29 USC 2003, 2005)**
"Each employer shall post and maintain ... notice [of the pertinent provisions of this chapter] in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted." "Any employer who violates any provision of this chapter may be assessed a civil penalty of not more than \$10,000."
- ☐ **Equal Employment Opportunity (29 CFR 1601.30(a), (b))**
"Every employer ... shall post and keep posted in conspicuous places upon its premises notice in an accessible format ... describing the applicable provisions of Title VII and the ADA ... Title VII makes failure to comply with this section punishable by a fine of not more than \$110 for each separate offense."
- ☐ **Family and Medical Leave Act (29 USC 2619(a), (b))**
"Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice ... setting forth ... pertinent provisions of this subchapter and information pertaining to the filing of a charge. ... Any employer that willfully violates this section may be assessed a civil money penalty not to exceed \$100 for each separate offense."
- ☐ **Minimum Wage Act (29 CFR 516.4)**
"Every employer ... shall post and keep posted a notice explaining the Act ... in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy."
- ☐ **Occupational Safety and Health Act (29 CFR 1903.2(a)(1))**
"Each employer shall post and keep posted a notice or notices ... informing employees of the protections and obligations provided for in the Act ... in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to ensure that such notices are not altered, defaced, or covered by other material."

PLEASE MAIL THIS FORM WITH YOUR
CHECK, PAYABLE TO:
THE IOWA LABOR LAW POSTER SERVICE
2020 PENNSYLVANIA AVE. N.W. #867
WASHINGTON, D.C. 20006-1846
1-877-321-4144 (phone orders)

Please send the following posters:

Complete Set(s) of Federal and State

____ 1st set \$54.50 \$ _____

____ Add'l. set(s) \$49.50 \$ _____

Separate Posters

____ Federal Only \$24.50 each \$ _____

____ State Set \$39.50 each \$ _____

(1st set \$7.75; Shipping \$ _____

add'l sets and individual
posters \$3.75 each) TOTAL \$ _____

2A020457990

Please Call for Large Order Discounts.

Order Form 10-05

Company ID: 6122

A complete set is made up of three large posters, one Federal and two State.

Posters are 18" x 24" in full color and laminated in plastic.

Posters also available in Spanish — please call.

PLEASE FAX CREDIT CARD ORDERS TO: 1-888-442-4144 — FAX

Enclosed: ☐ Check

Credit Card: ☐ VISA ☐ MC ☐ AmEx ☐ Discover

Credit Card #: _____ Exp. ____/____

Signature _____

Ship to: (please print clearly) Attention: _____

Company: _____

Address: _____

City: _____ State _____ Zip _____

Phone: (_____) _____



IOWA
FOOD SERVICE COMPLIANCE CENTER
2020 PENNSYLVANIA AVE NW #867
WASHINGTON, DC 20006
1-800-870-2669

THIS CENTER EMPLOYS AND
SERVES PEOPLE WITH
DISABILITIES WITHOUT
DISCRIMINATION

*****AUTO**3-DIGIT 524

August 14, 2006

BUSINESS ID #: 5069 [REDACTED]



ATTN: FOOD SERVICE MANAGER
LITTLE KING RESTAURANT
[REDACTED]

CEDAR RAPIDS, IA 5240 [REDACTED]

ADVISORY TO ALL FOOD LICENSEES!

Dear Food Service Establishment,

State and Federal food codes have recently been amended to include a new hand washing posting requirement. Effective immediately all Food Service Establishments will be required to post at all hand washing facilities a poster reminding FOOD SERVICE EMPLOYEES to regularly wash their hands. This requirement applies to all hand washing sinks and all public and private lavatories. It also applies to all food preparers regardless if they are a paid employee or not, including owners and operators. Posters must also meet the exact specifications and procedures presented in section 2-301.12 of the code and should not be self-made. Investigations will be conducted by your local inspectors. Any Food Service Establishment found to be in violation of State or Federal law by willfully failing to post approved hand washings posters may be subject to fines up to \$2500 and suspension or revocation of license, as well as possible civil liability actions. The IFSCC is a non-governmental organization providing mandatory Approved Hand Washing Posters and does not have a contract with any government agency. Therefore to achieve compliance with State and Federal hand washing posting requirements, please respond to the order form below or call the IFSCC at 1-800-870-2669. You should comply today. Thank you for your continued cooperation.

STATE AND FEDERAL FOOD CODE

6-301.14 HAND WASHING POSTING REQUIREMENT

"A sign or poster that notifies all FOOD EMPLOYEES to wash their hands shall be provided at all hand washing lavatories used by FOOD EMPLOYEES and shall be clearly visible to all FOOD EMPLOYEES."

2-301.12 PROPER HAND WASHING PROCEDURE

"FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in FOOD preparation including working with exposed FOOD, cleaning EQUIPMENT and UTENSILS..."

8-811.10 FINES & SENTENCES

(B) "A person who violates a provision of this code shall be guilty of a misdemeanor, punishable by: (1) a fine of not more than 2500 dollars, or by imprisonment not exceeding one year, or both the fine and imprisonment..."

(C) "Each day on which a violation occurs is a separable violation under this section."

PLEASE RESPOND TODAY TO THE ENCLOSED!

IF-VER-2-06-09-2006

Please mail this form with your check, payable to:

Order Form

08-06 58 BUSINESS ID #: 5069 [REDACTED]

ATTACHMENT III

IOWA
FOOD SERVICE COMPLIANCE CENTER

Approved Hand Washing Posters are 11" x 17" in full color,

PLEASE RESPOND TODAY TO THE ENCLOSED!

IF-VER-2-06-09-2006

Please mail this form with your check, payable to:

Order Form

08-06 58 BUSINESS ID #: 5069

IOWA
FOOD SERVICE COMPLIANCE CENTER
2020 PENNSYLVANIA AVE NW #867
WASHINGTON, DC 20006
1-800-870-2669 (Phone orders)

Approved Hand Washing Posters are 11" x 17" in full color,
laminated in plastic for durability, and are also available in Spanish.

PLEASE FAX CREDIT CARD ORDERS TO: 1-888-442-4144

**2006 Approved
Hand Washing Posters**

of Posters

1 - 4 Posters English \$ _____
\$19.95 ea. Spanish \$ _____

5 & up Posters English \$ _____
\$14.95 ea. Spanish \$ _____

\$2.95 ea. — Shipping \$ _____

TOTAL \$ _____

Enclosed: ☐ Check ☒ Money Order ☐ Bill Company

Credit Card: ☐ VISA ☒ MC ☐ AmEx ☐ Discover

Credit Card#: _____ Exp. ____/____

Signature: _____

Ship to: (please print clearly) Attention: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: (____) _____



IOWA
FOOD SERVICE COMPLIANCE CENTER
2020 PENNSYLVANIA AVE NW #867
WASHINGTON, DC 20006
1-800-986-0763

THIS CENTER IS
EQUAL OPPORTUNITY EMPLOYER

December 4, 2006

BUSINESS ID #: 1592

*****AUTO**SCH 3-DIGIT 612

|||||

ATTN: FOOD SERVICE MANAGER
BETTENDORF COMMUNITY SCHL DST
4485 GREENBRIER DR
BETTENDORF, IA 52722-1965

REQUIREMENT FOR ALL FOOD ESTABLISHMENTS!

Dear Food Service Establishment,

The Iowa Food Service Compliance Center is notifying all food establishments that the Iowa Food Code contains an important **hand washing requirement**. Effective currently all employees of Food Service Establishments are required to regularly wash their hands. This requirement applies to all food preparers regardless if they are paid employees or not, including Managers and Owners. To improve compliance it is advised that Food Service Establishments display hand washing posters at all hand washing facilities and all public and private lavatories. It is also advised that posters contain the recommendations of the U.S. Food and Drug Administration's Model Food Code and be posted in Spanish where applicable.

According to the Centers for Disease Control, failure of Food Service Employees to properly wash their hands contributes to approximately 50% of all food borne illness outbreaks. Any Food Service Establishment found to be the source of a food borne illness outbreak may be subject to fines as well as **civil liability lawsuits**. The Iowa Food Service Compliance Center is a non-governmental organization providing hand washing posters and does not have a contract with any governmental agency. Posters may be available free from the issuing government agencies. Therefore, to improve compliance with the Iowa Food Code's hand washing requirement, please respond to the order form below or call 1-800-986-0763. You should respond today. Thank you for your continued cooperation.

IOWA FOOD CODE

2-301.11 **CLEAN CONDITION**. Food Employees shall keep their hands and exposed portions of their arms clean.

2-301.12 **CLEANING PROCEDURE**. Food Employees shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under ¶ 5-202.12(A) by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers.

2-301.14 **WHEN TO WASH**. Food Employees shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- | | |
|---|--|
| A. After touching bare human body parts other than clean hands and clean, exposed portions of arms; | E. After handling soiled equipment or utensils; |
| B. After using the toilet room; | F. During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; |
| C. After caring for or handling support animals or aquatic animals as specified in ¶ 2-403.11(B); | G. When switching between working with raw food and working with ready-to-eat food; |
| D. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; | H. After engaging in other activities that contaminate the hands. |

PLEASE RESPOND TODAY TO THE ENCLOSED!

JF-VER-15-10-26-2006

Please mail this form with your check, payable to:

Order Form

ATTACHMENT IV --
12-06 82 BUSINESS ID #: 1592

PLEASE RESPOND TODAY TO THE ENCLOSED!

Please mail this form with your check, payable to:

IOWA

FOOD SERVICE COMPLIANCE CENTER

2020 PENNSYLVANIA AVE NW #867

WASHINGTON, DC 20006

1-800-986-0763 (Phone orders)

2006 IFSCC

Hand Washing Posters

of Posters

1 - 4 Posters

English \$

\$19.95 ea.

Spanish \$

5 & up Posters

English \$

\$14.95 ea.

Spanish \$

\$2.95 ea. — Shipping \$

TOTAL \$

Order Form

12-06 82 BUSINESS ID #: 1592

Hand Washing Posters are 10" x 14" in full color,
laminated in plastic for durability, and are also available in Spanish.

PLEASE FAX CREDIT CARD ORDERS TO: 1-888-442-4144

Enclosed: ☐ Check ☐ Money Order ☐ Bill CompanyCredit Card: ☐ VISA ☐ MC ☐ AmEx ☐ Discover

Credit Card#: _____ Exp. ____/____

Signature: _____

Ship to: (please print clearly) Attention: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: (____) _____



IOWA
HEALTHCARE COMPLIANCE CENTER
2020 PENNSYLVANIA AVENUE, N.W. #867
WASHINGTON, D.C. 20006-1811
1-800-986-0763

THIS CENTER IS AN
EQUAL OPPORTUNITY EMPLOYER

Attn: Personnel Manager
[REDACTED] DDS

[REDACTED]
Cedar Rapids, IA 5240 [REDACTED]

April 2, 2007

BUSINESS ID #: 8589 [REDACTED]



ADVISORY TO ALL HEALTHCARE PROVIDERS!

Dear Healthcare Provider,

The Iowa Healthcare Compliance Center has recently issued a new hand washing posting advisory. Effective immediately, all Healthcare Providers are advised to post at all hand washing facilities a poster reminding all Healthcare Workers to regularly wash their hands. This advisement applies to all hand washing sinks and all public and private lavatories. It also applies to all workers regardless if they are paid employees or not, including Doctors and Nurses. Posters should contain the recommendations presented in the Centers for Disease Control 2002 Hand Washing Guidelines and be posted in Spanish where applicable.

According to the CDC, the single most important way to reduce healthcare infection is for Doctors and other Healthcare Workers to regularly wash their hands in between treating patients. Any Healthcare Provider found to be the source of an infectious disease outbreak may be subject to fines as well as civil liability lawsuits. The Iowa Healthcare Compliance Center is a non-governmental organization providing hand washing posters and does not have a contract with any governmental agency. Posters may be available free from the issuing governmental agencies. Therefore, to achieve compliance with the Iowa Healthcare Compliance Center's new hand washing posting advisement, please respond to the order form below or call the IHCC at 1-800-986-0763. You should comply today. Thank you for your continued cooperation.

INFECTIOUS DISEASE STATISTICS

- "11 million U.S. healthcare workers are exposed to health hazards on the job." Bureau of Statistics.
- "In 1993, 11 Healthcare Workers became ill with hepatitis A because they didn't wash their hands after treating patients with the virus."
- "There has been a 36% increase in healthcare infection rates over the past 20 years."
- A Chicago Tribune Investigation found that in the year 2000 about 103,000 deaths were linked to healthcare acquired infections.
- Healthcare infections annually add an estimated \$5 billion to \$6.7 billion to U.S. healthcare costs.
- According to the CDC, healthcare acquired infections affect approximately 2 million persons and still result in nearly 88,000 deaths each year in the United States.
- "Strict adherence to clean-hand policies alone could prevent the deaths of 20,000 patients each year, according to the U.S. Department of Health and Human Services."

PLEASE RESPOND TODAY TO THE ENCLOSED!

VER-4-2-9-2007

ATTACHMENT V

Please mail this form with your check, payable to:

**IOWA HEALTHCARE
COMPLIANCE CENTER**
2020 PENNSYLVANIA AVENUE, N.W. #867
WASHINGTON, D.C. 20006-1811
1-800-986-0763 (Phone orders)

04-07

BUSINESS ID #: 0583

Hand Washing Posters are 10" x 14" in full color,
laminated in plastic for durability, and are also available in Spanish.

PLEASE FAX CREDIT CARD ORDERS TO: 1-888-442-4144

**IHCC
Hand Washing Posters**

of Posters

1 - 4 Posters English \$
\$19.95 each Spanish \$

5 & up Posters English \$
\$14.95 each Spanish \$

\$2.95 each — Shipping \$

TOTAL \$

Enclosed: ☐ Check ☐ Money Order ☐ Bill Company

Credit Card: ☐ VISA ☐ MC ☐ AmEx ☐ Discover

Credit Card#: _____ Exp. ____/____

Signature: _____

Ship to: (please print clearly) Attention: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: (____) _____

A 3032-0002168

PROSPECTING SCRIPT

Good morning/afternoon, this is _____ with the (state) Labor Law Poster Service.
How are you doing today? (acknowledge response)

We're the company that provides federal and state postings.

We provide all the information you will need to keep your business in compliance with all the state, federal and OSHA laws. (ex: Minimum Wage, Employee Polygraph Protection Act, Equal Opportunity, Uniformed Service Employment and the Re-employment Rights Act)

I can confirm the address we have on file and get your order out so we can keep your business in complete compliance until 2012. Could you verify your company name and address as _____? (please capture if not available)

Could I get your name please?

How many locations do you have?

Do you have any Spanish speaking employees that cannot read English?

You'll receive your posters in 7 – 10 business days. You can put these up as soon as you receive them. The total cost is _____, which includes shipping and handling.
(make sure to give total cost for order)

Would you like to take care of your balance today with a credit card or check by phone?
(pause)

If No to CC:

The reason I ask is I can save you an additional \$10 today by using a card.

If No:

No problem, we can send you an invoice and we ask that you pay upon receipt.

Your invoice number is...

Thank you for your order, have a good day.

IN RE THE MATTER OF

THE MANDATORY POSTER AGENCY, INC.,
dba Iowa Labor Law Poster Service;
STEVEN FATA;
THOMAS FATA; and
JOSEPH FATA;

Respondents.

CIVIL INVESTIGATIVE DEMAND AND NOTICE OF INTENT TO PROCEED

The State of Iowa ex rel. Thomas J. Miller, Attorney General of Iowa, through Assistant Attorney General Steve St. Clair, pursuant to the provisions of Iowa Code § 714.16 (2011), commonly known as the Iowa Consumer Fraud Act, directs you to the following Civil Investigative Demand and Notice of Intent to Proceed (hereinafter "CID") pursuant to the authority of the Act.

In connection with this office's investigation, evidence has been obtained sufficient to make it appear that the business practices engaged in by Respondent(s) are or have been in violation of the Iowa Consumer Fraud Act. Since it appears to the Office of the Attorney General of Iowa that it would be in the public interest to further investigate such practices, this CID is being served upon Respondents pursuant to Iowa Code § 714.16(3)-(6). The Attorney General has reason to believe that Respondent "Agency" has engaged in unfair and deceptive practices in connection with solicitations directed to Iowans that create false impressions on the part of the small business recipients, including *inter alia* the false impression that the "Agency" is a governmental entity, is acting in coordination with a governmental entity, and/or is performing a governmental function; and that the posters being sold are mandatory. The

ATTACHMENT VII

Attorney General also has reason to believe that the design and content features of the solicitations that create such false impressions are not adequately prevented or ameliorated by purported qualifications, clarifications, or other disclosures, and that Iowa businesses are victimized as a result. Further, the Attorney General has reason to believe that the above-named individuals, as persons who currently or formerly owned, directed and/or controlled the "Agency" are (or were) responsible for its day-to-day operations, and are or may be responsible, in their individual and corporate capacities, for unfair and/or deceptive practices in violation of Iowa law.

To comply with this CID, Respondents must file a written response, under oath, with the office of the undersigned no later than twenty-one (21) days after the date of service of this CID. The sworn response must contain all of the information requested.¹ The Attorney General formally requests that, until further notice or unless otherwise agreed in writing between Respondents and the Attorney General, Respondents retain documents relating to the areas of inquiry reflected in this CID.

Any attorney who will represent the Respondents in this matter should be promptly advised of the service of this CID. Because it appears that consumers may be suffering ongoing harm as a result of Respondents' practices, an extension of time will be granted only upon a legitimate showing of need for the extension, assurances that a good faith attempt will be made to provide a complete response to the CID, and a specific indication as to which paragraphs of the CID require additional response time. A request for an extension of time, or a request that

¹ Regarding the extent of the Attorney General's investigative authority under the Iowa Consumer Fraud Act, see *State of Iowa ex rel. Publishers Clearing House, Inc.*, 633 N.W.2d 732 (Iowa 2001).

the scope or meaning of any part of this CID be clarified or explained or that a specific request be modified, should be directed without delay to Assistant Attorney General Steve St. Clair at (515) 281-3731.

INSTRUCTIONS

A request for information from or about "Respondents" is to be interpreted to apply to all four Respondents, as well as to each Respondent. Respondent The Mandatory Poster Agency, Inc., dba Iowa Labor Law Poster Service, may be referred to herein as the "corporate respondent" or the "Agency," and the three individuals may be referred to herein as the "individual Respondents."

Each request should be interpreted to apply only to activities that currently or formerly involved, in whole or in part, Iowa consumers, unless the request otherwise indicates (*e.g.*, through language such as "*state unlimited*").

The Attorney General does not wish to require any duplication of effort where it can reasonably be avoided. Therefore, a Respondent may refer to information or a document that has previously been submitted to the Attorney General in connection with any earlier furnishing of information, or to information or a document that is currently being produced by another Respondent, if the reference is clear and specific enough to leave no doubt as to which information or document is being referenced.

Unless otherwise indicated in connection with a particular CID paragraph, the period of time for which information and documents are sought is the entire period during which one or more Respondents have marketed or sold posters to Iowa residents, and a request for information and documents that is phrased in the present tense should be interpreted to cover the entire period

embraced by the request.²

Any written or physical information provided in response to this CID must be clearly labeled and specifically identified by reference to the CID paragraph to which it is responsive.

DEFINITIONS

If the use of the words “and”, “or” or “and/or” creates any doubt about the inclusiveness of a specific CID paragraph, adopt the meaning resulting in the provision of more, rather than less, information.

If the use of the word “any” creates any doubt about the inclusiveness of a specific CID paragraph, adopt the meaning resulting in the provision of more, rather than less, information, by construing, for example, “any” as synonymous with “every.”

The term “**communication**” includes any contact or exchange of information involving a Respondent or one or more employees, agents, or representatives of a Respondent (whether it is exclusively among such entities or involves other entities) including, but not limited to, correspondence, e-mails, and memoranda, and records of telephone or personal conversations, meetings, conferences and discussions, as well as all other such documents.

The term “**documents**” includes all items within the definition of documents in Iowa R.Civ.P. 1.512(1), as well as any and all other means, devices or media for storing information.

A request to “identify,” or for the “identity” of, a person is deemed to include, at a minimum, a request for the name of such person, the person's present business (and residential,

² Please note that no statute of limitations applies to actions brought by the Iowa Attorney General for remedies under the Iowa Consumer Fraud Act, (*see Fennelly v. A-1 Machine*, 728 N.W.2d 163 (Iowa 2007)), which remedies may include restitution, civil penalties of up to \$40,000.00 per violation, an injunction, payment of attorney fees, and other relief.

where applicable) address, or the last known business (and residential, if applicable) address if the current address is unknown, and the last known business (and, where applicable, residential) telephone number. Specific CID paragraphs may request additional information as well.

References to “**marketing**” or “**sales**” (or both) shall refer to the marketing and/or sales of posters, unless the context otherwise requires.

A request that a Respondent indicate a **period of time** (however phrased) is a request for the beginning and ending dates, or best estimates thereof if specification is not possible.

The term “**person**” shall include individuals (natural persons), as well as firms, associations, partnerships, corporations and other business entities.

The term “**poster solicitation**” refers to any effort by or on behalf of a Respondent, directly or indirectly, to solicit the purchase of a poster.

The terms “**relating**” (or “**relate**”) shall mean directly or indirectly referring to, concerning, in connection with, commenting on, responding to, showing, describing, analyzing, reflecting, evidencing, or constituting.

The term “**scripts**” includes all documents that prescribe language or provide guidance as to what to say over the telephone, including without limitation a primary solicitation, rebuttals, verifications, responses to frequently asked questions, and complaint-handling instructions.

DOCUMENTS/INFORMATION SOUGHT

1. Provide the following background information (a through e) on the Agency, and in addition provide the information sought in subparagraphs d and e separately for each individual Respondent:

a) **"Identify"** all incorporators, directors, officers, managers, employees and persons who act as representatives of Respondent or control its activities in whole or in part, and for each person **"identified"** indicate the person's title and the date the person assumed his or her current position.

b) **"Identify"** each person with an ownership interest, stating (in percentage terms, if practicable) the proportion of each such person's ownership interest.

c) The address of Respondent's home office and all other addresses, and a description of what aspect of Respondent's business can be found at each such address.

d) **"Identify"** each business and/or company owned or controlled, in whole or in part, by Respondent, at any time within the last fifteen (15) years.

e) State each business name, company name, dba, trade name, or other name under which Respondent has done business or engaged in marketing or sales activities at any time within the last fifteen (15) years (*state unlimited*), and, for the subset of such names used in connection with marketing or sales to Iowa residents, provide the period of time such name was used.

2. **"Identify"** each individual Respondent, and describe in detail his/her duties and responsibilities relating to, and the extent of his current and/or previous control over, the Agency.

3. **"Identify"** each individual who was an employee or independent contractor of the Agency at any time on or after January 1, 2010, including for each individual so **"identified"** the person's date of birth; beginning and ending dates of employment (or of independent contracting status); job title; annual salary or rate of compensation; and a description of his/her job duties.

4. Describe in detail each system used or in use by Respondents to store and/or record information regarding sales, prospects, collection, and all other business activities. If any of this information is computerized, describe in detail the computer software used to store the above data. Include each category of information that can currently be retrieved about each customer and/or prospective customer. **"Identify"** all persons involved in creating, maintaining, and/or storing such information (computerized or otherwise), including current custodians of such information.

5. Separately for each legal action (including without limitation notices of intended action, cease and desist directives, assurances of voluntary discontinuance, assurances of voluntary compliance,

administrative actions, and lawsuits) against one or more Respondents by a private or governmental entity (*state unlimited*), relating directly or indirectly to the marketing or sale of posters, provide (as applicable):

- a) the names of all parties;
- b) the date commenced;
- c) the forum or tribunal involved, and its location;
- d) the docket number;
- e) whether resolved by settlement, contested ruling, or otherwise (specify); and
- f) the date and terms of resolution.

6. A complete and fully legible exemplar of each different mail solicitation sent to one or more Iowa addresses, specifying, separately for each such exemplar, the period of time during which it was used, the number of such solicitations that were sent to Iowa addresses, the number of sales generated thereby, and the total dollar volume (gross) of such sales.

7. Provide all addresses (including P.O. boxes, commercial mail boxes, and other such addresses) in the State of Iowa at which one or more Respondents have ever received mail, and separately for each such address indicate (as applicable):

- a) who manages (or managed) the address (*e.g.*, US Postal Service, UPS, etc.);
- b) who originally arranged for use of the address (*e.g.*, who submitted the application);
- c) who was authorized to access the mail received at the address;
- d) the period during which the address was used;
- e) the product(s) the marketing of which was associated with the address;
- f) the specific dollar cost(s) involved in using such address;
- g) all reasons for using that address;
- h) whether any mail-handling, mail-processing, or other functions or services were performed at the address;
- i) whether the mail received at that address was forwarded unopened to some other

address, and, if so: (i) the other address to which such mail was forwarded, and (ii) whether mail received at addresses in states other than Iowa was also being forwarded to such other address during the same period (and, if so, what other states); and

j) a detailed description of the extent to which use of the address served the function of segregating mail, including what segregation was achieved and how the segregation was maintained throughout the process of receiving and processing orders or other mail.

8. “**Identify**” each business that has ever made telephone calls to Iowa residents in connection with efforts to sell the Agency’s posters, and separately for each such business, indicate the time period during which such calls were made, and provide a copy of each different “**script**” ever used by such business in connection with such calls, specifying the period during which each such “**script**” was used.

9. Provide a complete description of any and all policies of the Agency relating to the compensation of telemarketers soliciting on behalf of the Agency, and persons who supervise, train and/or manage such telemarketers, including without limitation hourly rates of pay; the availability of bonuses, commissions, or enhanced compensation; and/or how success at generating sales affects compensation. Provide all documents reflecting such policies.

10. Provide a print-out or screen shot of each current and previously-used web page (a) that relates to one or more Respondents’ poster solicitation efforts; and (b) the content of which is (or was) controlled, determined, or influenced by one or more Respondents.

11. State whether Respondents have at any time maintained a policy (*state unlimited*) of not directing poster solicitations to persons residing in certain states and/or localities within the United States, and if so, indicate the state and/or localities to which the policy applied, and for each such state and/or locality further indicate:

a) the period during which the policy was in effect; and

b) all reasons for establishing and/or maintaining the policy.

12. Provide a copy of each and every government mailing, notice, alert, or other writing that was used by one or more Respondents at any time as a template or model for any aspect of the design or content of the Agency’s mail solicitations.

13. Provide all documents and communications created after January 1, 2005 that relate to the extent to which persons who speak English as a second-language are represented (or over-represented) among those who order posters from the Agency.

14. Provide a copy of all “**communications**”³ within your possession or control, sent by any manager, owner, employee, contractor, or other agent or representative of Respondents, to any other manager, owner, employee, contractor, or other agent or representative of Respondents, relating to:

- a) what content, practices, representations, design features, or techniques promote successful sales in connection with poster solicitations by mail;
- b) what content, practices, representations, design features, or techniques promote successful sales in connection with poster solicitations by telephone;
- c) the extent to which the wording of, and/or a design feature of, a poster solicitation might imply, or might be interpreted to suggest, that the source of the poster solicitation is a governmental entity, is acting in coordination with a governmental entity, and/or is performing a governmental function;
- d) the extent to which the wording of, and/or a design feature of, a poster solicitation might imply, or might be interpreted to suggest, that the law requires the recipient to purchase the poster(s) offered for sale in the solicitation;
- e) the extent to which the wording of, and/or a design feature of, a poster solicitation might imply, or might be interpreted to suggest, that a handwashing poster is required by law.
- f) the reasons for or benefits of using as an address of the Agency a mailing address in the state into which poster solicitations are being mailed;
- g) the reasons for or benefits of using a logo that features an eagle;
- h) the reasons for or benefits of using a Pennsylvania Avenue, Washington, D.C. address;
- i) compliance with any law relating to deceptive or unfair marketing or sales;
- j) contacts by law enforcement authorities relating to any such laws; and/or
- k) remediation, discipline, reprimands, retention or discharge of employees or independent contractors suspected or believed to have engaged in or encouraged misleading solicitations and/or violations of company policies or rules, or violations of law.

³ Please recall that this defined term includes, *inter alia*, emails.

15. Provide, in Excel unless otherwise expressly agreed, a list of all instances in which a purchase of one or more posters was made by a business and/or individual with an Iowa address, including for each separate purchase:

- a) the name of the business and (if also available) the individual associated with such business who was involved in making the purchase;
- b) the last known address and phone number of the purchaser;
- c) the date of the sale, and what (specifically) was purchased;
- d) the total price paid;
- e) the amount of any refund made; and
- f) whether the sale was solicited by mail, by telephone, via the Internet, or through some other mode (specify the mode).

16. **"Identify"** all persons who have complained orally or in writing to Respondents, or to any representative of a Respondent, about any aspect of Respondents' marketing or sales of posters in Iowa. For each such person, provide a copy of all communications and other documents relating to such complaint(s), and to the extent no such documents exist for a given person, state the date of the contact, whether it was oral or in writing, the substance of the complaint, and the resolution (if any) of the complaint.

17. With reference to the "Renewal Notice" attached as Attachment I, please explain in detail:

- a) the function of the "Key Code"; and
- b) the reason(s) for requesting that the Key Code be included on the purchaser's check.

18. With reference to the statement on Attachment I that "Labor Law posting notices are frequently being amended, potentially making the posters your company purchased from us on **April 15, 2010** out of date with current Labor Law posting requirements," specify any and all amendments (if any) to posting requirements that did in fact serve to make the poster purchased on April 15, 2010 out of date as of April 15, 2011.

19. With reference to the sentence on Attachment I that reads "Return this notice with your payment by **May 1st**, to **Save 17%** and receive a **\$10.00** discount off the regular price of the newly revised **2011** State and Federal Labor Law posters," indicate:

- a) each specific way in which the "newly revised 2011 State and Federal Labor Law posters" differed from the versions that immediately preceded the "newly revised"

versions;

b) whether all recipients of such solicitations who returned the notice and payment after May 1, 2011 were in fact required to pay the higher amount (\$67.25), and, if not, explain the extent to which orders continued to be accepted at the lower price after May 1 and the basis for continuing to accept such orders at the lower price.

20. With reference to the specific Pennsylvania Avenue address that appears on Attachment I, please:

a) indicate when that address first appeared in solicitations directed to Iowans in connection with the marketing of posters by one or more Respondents;

b) provide a copy of all documents relating to the terms of use of that address by one or more Respondents, including without limitation any and all contracts or agreements; any instructions regarding services performed on an occasional or ongoing basis by persons employed at that address; and payments.

c) provide the name(s) of the individual(s) acting on behalf of one or more Respondents who arranged for the use of that address;

d) describe whatever mail-handling, mail-processing or other services have been performed in Washington, D.C. on mail received at the Pennsylvania Avenue address;

e) indicate whether mail received at the Pennsylvania Avenue address has been forwarded unopened to one or more other addresses, and, if so, what other addresses the mail is (or was) forwarded to;

f) indicate which State(s) the mail received at that address is sent from, and, if that list has changed over time, a detailed description of such changes and the dates of the changes;

g) indicate the extent to which the mail received at that address is handled, processed, or forwarded differently depending on which State, region or area the mail was sent from; and

h) state whether one or more Respondents use or control any other box numbers at 2020 Pennsylvania Avenue, Washington, D.C., other than #867, and, if so, indicate the other box number(s) and describe in detail how each such box is used by Respondent(s).

21. Separately “**identify**”: the person primarily responsible for responding to this CID; the person signing the responses to this CID; and each person who contributed information or otherwise assisted in responding to this CID, indicating the specific contribution of each person.

OATH OF AUTHORIZED REPRESENTATIVE OF CORPORATION

I, _____, certify under penalty of perjury that the answers submitted by me to the preceding Civil Investigative Demand and Notice of Intent To Proceed are true and complete to the best of my knowledge.

Dated this ____ day of _____, 2011.

Subscribed and sworn to before me this ____ day of _____, 2011.

Notary Public

OATH OF STEVEN FATA

I, Steven Fata, certify under penalty of perjury that the answers submitted by me to the preceding Civil Investigative Demand and Notice of Intent To Proceed are true and complete to the best of my knowledge.

Dated this _____ day of _____, 2011.

Subscribed and sworn to before me this _____ day of _____,
2011.

Notary Public

OATH OF THOMAS FATA

I, Thomas Fata, certify under penalty of perjury that the answers submitted by me to the preceding Civil Investigative Demand and Notice of Intent To Proceed are true and complete to the best of my knowledge.

Dated this _____ day of _____, 2011.

Subscribed and sworn to before me this _____ day of _____,
2011.

Notary Public

OATH OF JOSHEPH FATA

I, Joseph Fata, certify under penalty of perjury that the answers submitted by me to the preceding Civil Investigative Demand and Notice of Intent To Proceed are true and complete to the best of my knowledge.

Dated this _____ day of _____, 2011.

Subscribed and sworn to before me this _____ day of _____,

2011.

Notary Public

NOTICE OF INTENT TO PROCEED

Service of this Civil Investigative Demand and Notice of Intent to Proceed on you will constitute your only notice, pursuant to Section 714.16(6), that your failure to comply with this CID may result in a suit being filed against you for violations of the provisions of the Iowa Consumer Fraud Act.

Dated this 7th day of June, 2011.



Steve St. Clair
Assistant Attorney General
Consumer Protection Division
1305 E. Walnut
Hoover Building, 2nd Floor
Des Moines, IA 50319
Telephone: (515)281-3731
Facsimile: (515)281-6771
steve.stclair@iowa.gov

RENEWAL NOTICE



IOWA LABOR LAW POSTER SERVICE
2020 PENNSYLVANIA AVENUE, N.W. #867
WASHINGTON, D.C. 20006-1811

Notice Date	2011-04E
Key Code	A12

ATTN: PERSONNEL MANAGER

, IA



New State and Federal Posters for 2011!

UPDATE ALERT!

Please be advised that Labor Law posting notices are frequently being amended, potentially making the posters your company purchased from us on **Apr 15, 2010** out of date with current Labor Law posting requirements. Return this notice with your payment by **May 1st**, to **Save 17%** and receive a **\$10.00** discount off the regular price of the newly revised **2011 State and Federal Labor Law posters**.

	Description	Total
1	Complete Set(s) of 2011 State & Federal Posters	\$ 59.50
	17% Discount by May 1 st	\$ 10.00
	Shipping	\$ 7.75
	TOTAL BY May 1st	\$ 57.25
	TOTAL AFTER May 1st	\$ 67.25

The Iowa Labor Law Poster Service is a non-governmental organization providing mandatory workplace posters and does not have a contract with any government agency. Certain posters may also be available free from the issuing governmental agencies.

IA 000202

BL11

SHIP TO IF DIFFERENT THAN ABOVE:

PAYMENT OPTIONS:

☐ CREDIT CARD Circle one: Visa MasterCard AmEx Discover

☐ CHECK

Credit card #

Exp. date ____ / ____

Signature _____

Fax credit card orders to 888-442-4144

Notice Date	2011-04E
Key Code	A12
TOTAL BY May 1 st	\$ 57.25
TOTAL AFTER May 1 st	\$ 67.25
Amount Enclosed	

01-00-00

PLEASE INCLUDE KEY CODE ON YOUR CHECK.

Mail payment to:
IOWA LABOR LAW POSTER SERVICE
2020 PENNSYLVANIA AVENUE, N.W. #867
WASHINGTON, D.C. 20006-1811

Call 202-640-5109 for quickest renewal



ATTACHMENT I

